

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

JIMMIE MARIE CLAY, by her  
Co-Conservator and Next Friend,  
WILLIAM S. CLAY,

Plaintiff,

v.

No. \_\_\_\_\_

GGNSC SPRINGFIELD LLC, individually  
and d/b/a GOLDEN LIVINGCENTER  
SPRINGFIELD; GOLDEN GATE  
NATIONAL SENIOR CARE LLC,  
individually and d/b/a GOLDEN LIVING;  
GGNSC ADMINISTRATIVE SERVICES  
LLC, individually and d/b/a GOLDEN  
VENTURES; GOLDEN GATE ANCILLARY  
LLC, individually and d/b/a GOLDEN  
INNOVATIONS; GGNSC CLINICAL  
SERVICES, LLC, individually and d/b/a  
GOLDEN CLINICAL SERVICES; GGNSC  
HOLDINGS LLC, individually and d/b/a  
GOLDEN HORIZONS; and GGNSC EQUITY  
HOLDINGS LLC,

Defendants.

**NOTICE OF REMOVAL**

Defendants GGNSC Springfield, LLC d/b/a Golden LivingCenter-Springfield; Golden Gate National Senior Care, LLC d/b/a Golden Living; GGNSC Administrative Services, LLC d/b/a Golden Ventures; Golden Gate Ancillary, LLC d/b/a Golden Innovations; GGNSC Clinical Services, LLC d/b/a Golden Clinical Services; GGNSC Holdings, LLC d/b/a Golden Horizons; and GGNSC Equity Holdings, LLC (collectively, the “Defendants”), submit this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and state as follows:

1. On July 26, 2013, Plaintiff William S. Clay filed a Complaint styled GGNSC SPRINGFIELD LLC, individually and d/b/a GOLDEN LIVINGCENTER SPRINGFIELD; GOLDEN GATE NATIONAL SENIOR CARE LLC, individually and d/b/a GOLDEN LIVING; GGNSC ADMINISTRATIVE SERVICES LLC, individually and d/b/a GOLDEN VENTURES; GOLDEN GATE ANCILLARY LLC, individually and d/b/a GOLDEN INNOVATIONS; GGNSC CLINICAL SERVICES, LLC, individually and d/b/a GOLDEN CLINICAL SERVICES; GGNSC HOLDINGS LLC, individually and d/b/a GOLDEN HORIZONS; and GGNSC EQUITY HOLDINGS LLC, No. 74CC1-2013-CV-330, in the Circuit Court of Robertson County, Tennessee (the “State Court Action”).

2. On or about August 1, 2013, service of process in the State Court Action was effected upon Defendants GGNSC Springfield, LLC d/b/a Golden LivingCenter-Springfield; Golden Gate National Senior Care, LLC d/b/a Golden Living; GGNSC Administrative Services, LLC d/b/a Golden Ventures; Golden Gate Ancillary, LLC d/b/a Golden Innovations; GGNSC Clinical Services, LLC d/b/a Golden Clinical Services; and GGNSC Holdings, LLC d/b/a Golden Horizons. On or about August 6, 2013, service of process in the State Court Action was effected upon Defendant GGNSC Equity Holdings, LLC. This Notice of Removal is filed within thirty (30) days after Defendants received a copy of Plaintiff’s Complaint, as required by 28 U.S.C. 1446(b).

3. The Defendants file herewith as Collective Exhibit A copies of all pleadings heretofore filed in the State Court Action and served upon the Defendants.

4. This Court has jurisdiction over this cause under 28 U.S.C. § 1332 and 28 U.S.C. § 1441, *et seq.* There is complete diversity of citizenship between the parties, and there was complete diversity of citizenship between the parties at the commencement of the State Court Action. William S. Clay, a Tennessee citizen, is a resident of Franklin, Williamson County,

Tennessee. (Complaint, ¶ 2). Jimmie Marie Clay, a Tennessee citizen, is domiciled in Davidson County, Tennessee but currently resides in a nursing home in Robertson County, Tennessee. (Complaint, ¶ 2). No Defendant is a citizen of the state of Tennessee, as evidenced by the following<sup>1</sup>:

(a) GGNSC Springfield, LLC d/b/a Golden LivingCenter-Springfield is a Delaware limited liability company. Its sole member is GGNSC Equity Holdings, LLC; please see Paragraph 4(g) herein. Therefore, GGNSC Springfield, LLC d/b/a Golden LivingCenter-Springfield is a citizen of Delaware and California.

(b) Defendant Golden Gate National Senior Care, LLC d/b/a Golden Living is a Delaware limited liability company. Its sole member is GGNSC Holdings, LLC; please see Paragraph 4(f) herein. Therefore, Golden Gate National Senior Care, LLC d/b/a Golden Living is a citizen of Delaware and California.

(c) Defendant GGNSC Administrative Services, LLC d/b/a Golden Ventures is a Delaware limited liability company. Its sole member is GGNSC Holdings, LLC; please see Paragraph 4(f) herein. Therefore, GGNSC Administrative Services, LLC d/b/a Golden Ventures is a citizen of Delaware and California.

(d) Defendant Golden Gate Ancillary, LLC d/b/a Golden Innovations is a Delaware limited liability company. Its sole member is GGNSC Holdings, LLC; please see Paragraph 4(f) herein. Therefore, Golden Gate Ancillary, LLC d/b/a Golden Innovations is a citizen of Delaware and California.

(e) Defendant GGNSC Clinical Services, LLC d/b/a Golden Clinical Services is a Delaware limited liability company. Its sole member is Golden Gate National Senior

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<sup>1</sup> See *Rolling Greens MHP, LP v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004) (holding that a “limited liability company is a citizen of any state of which a member of the company is a citizen”).

Care, LLC; please see Paragraph 4(b) herein. Therefore, GGNSC Clinical Services, LLC d/b/a Golden Clinical Services is a citizen of Delaware and California.

(f) Defendant GGNSC Holdings, LLC d/b/a Golden Horizons is a Delaware limited liability company. Its sole member is Drumm Corp. f/k/a Drumm Investors, LLC, which is a Delaware corporation with its principal place of business and nerve center in San Francisco, California. Therefore, GGNSC Holdings, LLC d/b/a Golden Horizons is a citizen of Delaware and California.

(g) Defendant GGNSC Equity Holdings, LLC is a Delaware limited liability company. Its sole member is Golden Gate National Senior Care, LLC; please see Paragraph 4(b) herein. Therefore, GGNSC Equity Holdings, LLC is a citizen of Delaware and California.

5. In his Complaint, Plaintiff alleges that Jimmie Marie Clay suffered pressure sores, neglect, falls, failure to protect from assault, and other injuries as a result of Defendants' medical negligence. (Complaint, ¶ 23). Although the Complaint does not allege a specific amount of damages, Plaintiff is seeking compensatory damages not to exceed one million dollars (\$1,000,000.00), punitive damages not to exceed two million dollars (\$2,000,000.00), attorney's fees, discretionary and other costs, and post-judgment interest. (Complaint, p. 10). Thus, based on a fair reading of the State Court Action Complaint, it is facially apparent that the damages sought by Plaintiff exceed the jurisdictional limit of \$75,000.<sup>2</sup>

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<sup>2</sup> When a complaint does not allege a specific amount of damages, the party invoking federal jurisdiction must prove by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional amount. The district court must first examine the complaint to determine whether it is "facially apparent" that the claims exceed the jurisdictional amount.


*St. Paul Reinsurance Co., Ltd. v. Greenberg*, 124 F.3d 1250, 1253 (C.A.5 (Tex.) 1998); *see also De Aguilar v. Boeing Co.*, 11 F.3d 55, 57 (C.A.5 (Tex.) 1993) (finding it "facially apparent" that a wrongful death claim and accompanying request for punitive damages exceeded the jurisdictional amount).

Defendants file herewith as Collective Exhibit B copies of the notices of removal which are being sent to Plaintiff's counsel and to the Clerk of the Circuit Court of Robertson County, Tennessee, from whence this case is sought to be removed.

WHEREFORE, Defendants pray that this cause proceed in this Court as an action properly removed hereto.

DATED: August 30, 2013.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By:   
Thomas O. Helton (BPR # 001929)  
1800 Republic Centre  
633 Chestnut Street  
Chattanooga, TN 37450-1800  
(423) 209-4194 – telephone  
(423) 752-9544 – facsimile  
thelton@bakerdonelson.com

*Attorney for Defendants GGNSC  
Springfield, LLC d/b/a Golden  
LivingCenter-Springfield; Golden Gate  
National Senior Care, LLC d/b/a Golden  
Living; GGNSC Administrative Services,  
LLC d/b/a Golden Ventures; Golden Gate  
Ancillary, LLC d/b/a Golden Innovations;  
GGNSC Clinical Services, LLC d/b/a  
Golden Clinical Services; GGNSC  
Holdings, LLC d/b/a Golden Horizons;  
and GGNSC Equity Holdings, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing document has been served upon the following:

John L. Norris  
Norris & Norris, PLC  
Fifth Third Center  
424 Church Street, Suite 1300  
Nashville, Tennessee 37219

Rocky McElhaney  
Russell Belk  
Rocky McElhaney Law Firm  
Music Row, 1516 16th Avenue South  
Nashville, Tennessee 37212

by placing the same in the United States Mail, first-class postage prepaid on this 30th day of August, 2013.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: \_\_\_\_\_



Thomas O. Helton